

Regular meeting of the City Council
Austin, Texas, Sept 18th 1905

Hon W.S. Sheller Mayor, presiding
Roll Called

Present Aldermen Armstrong, Crook, Cuneo, Haynes,
Macken, Miller, Moore, Petri, Powell, Redd, Smith, Von Rosenberg,
Wilhelm

Absent Alderman Shumate

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On motion the minutes were approved as recorded
by the Clerk, without reading

Petitions, memorials etc

By Alderman Petri - petition of Harry Zien asking
permission to continue the use of his flag as a sign.

Read and on motion referred to the Street Committee

By Alderman Smith - petition asking to have certain found
fees paid by her refunded. On motion the petition was granted

By the Mayor - Petition of Ed Patterson to have a fine imposed
upon him in the Mayors Court remitted. On motion the

petition was granted

By the Mayor Petition of Mrs A.S. Childers to have certain
polunk fees refunded - Read and on motion petition granted

By Alderman Petri Petition of W.H. Talbott to correct assessment

Read and on motion the Assessment Collector of Taxes was
directed to correct said assessment in accordance with
the petition

On motion Alderman Redd was excused from further
attendance at this session of the Council.

On Motion Ex Aldermen Schneiden, Madda & Rob Brush
were invited to seats within the bar of the Council

Reports of Standing Committees

Alderman Miller for the Water & Light Committee whom
was referred the bill of W.P. Dalessell for putting in certain
pipes for fire protection at the Austin Gym presented a
report recommending that the claim be not allowed

On motion the report of the Committee was adopted

Alderman Haynes for the Finance Committee presented
a statement showing total valuations for the years 1904 & 1905.

Alderman Haynes moved that the Finance Committee
together with the Mayor and City Attorney be directed to
prepare and submit to the Council an ordinance
levying taxes for the year 1905, which motion prevailed

Alderman Powell for the Police Committee whom
was referred the reports of the City Marshal for the
Month of Aug 1905, presented a report stating that
they had been examined and found correct

On motion the report was adopted

Alderman Petri for the Committee on claims & accounts
whom was referred the petition of W.B. Lewis

Petitions
Harry Zien
Flag
Mrs Young
polunk fees
Ed Patterson
fine
Mrs Childers
polunk fees
W.H. Talbott
Taxes
Stranding Corn
W.C. Dalessell
Finance Statement
Valuations 1905
Finance Com to bring
in advertising taxes
1905
Police Marshals
reports
etc.

etc.
etc.

asking to have certain bound fees paid by him refunded, presented a report recommending that the petition be granted. On motion the report was adopted.

Unfinished business.

The reason laid before the Council a Message Vetoing an ordinance appropriating \$12,000.00 to commence a new City Hall, as follows:

Austin, Texas, September 15th 1905

To the Honorable City Council

I return herewith, without my approval, an ordinance passed at the last meeting of the City Council, entitled "An ordinance appropriating \$12,000.00 for the purpose of partially building a City Hall", for the following reasons:

In my opinion, the obligation of the City to construct a City Hall which is to cost approximately \$50,000.00, with only \$12,000.00 on hand at this time, and no reasonable prospect of an increase thereof during the present fiscal year, is violative of the spirit, if not the plain letter, of the City Charter.

I direct your attention to Sections 118 and 119, of the charter, which are as follows:

Sec 118. That the receipts of money during any fiscal year, either from special funds provided to pay interest and sinking fund on bonds of the City, shall be applied to the payment of expenses and indebtedness incurred during such fiscal year; and no debt, other than such as may be authorized by a vote of taxpayers, as is provided for in this act, shall be incurred to be paid after the end of the fiscal year in which it may be incurred.

See 119. That no contract shall be made involving the payment of money by the City after the termination of the fiscal year in which it is made, except for constructing public works or other improvements, which in the judgment of the Council cannot be practically completed before the end of the fiscal year; but no contract made for such public works or improvements shall in any event involve the payment of a greater sum after the close of the fiscal year in which such contract is made than may be paid out of the fund belonging to such fiscal year, and in all cases an appropriation shall be made out of the funds for the ensuing fiscal year for the payment of the amount the City will become liable for if such contract is performed; such appropriation shall be made at the time such contract shall be executed on the contract shall not be valid; provided, that this section shall not apply to the expenditure of any special funds raised by the issuance of bonds for special purposes.

The contract which is to be "partially" performed, with the expenditure of the amount named in it,

Mayors Vote
new City Hall
appropriation

ordinance, will require for its complete performance something like \$35,000. or additional, and in view of the articles of the Charter above quoted, the Council has no authority, at this time, to contract for the complete construction of such building, and a number of years will doubtless elapse before a sufficient amount is secured by the present method of securing a City Hall fund, with which to fully construct such building. In the meantime, the personnel of the City Council will likely change, and the policy the present Council is not binding upon its successors and may not be followed by them, in which event the City and its taxpayers will suffer from the proposed action involved in the passage of this ordinance.

It is true, that by the operation of this ordinance, a small portion of the contemplated City Hall may be secured, but there is, and can be, no assurance, at this time, that such building will ever be completed.

If it is the purpose of the Council, by the passage of this ordinance, to award the contract for the construction of the entire building to the gentleman whose bid was accepted, and I am informed by one of the bidders that such is the purpose, then it must be admitted that a completion of the work by them is contemplated, and a consequent debt created which can only be paid if at all, by the revenues derived from taxation in future years. Such, if it is submitted, is unquestionably in violation of the terms of the Charter herein quoted.

Second: Whether the position taken in the preceding ground of this veto is sound or not, yet I think the ordinance should be vetoed for still another reason. It is the policy of the City Government, in letting contracts for public work, to give as much publicity to the proposed letting as is practicable, for the twofold purpose of securing the performance of the work for as little cost to the City as possible, and that all interested parties may have an opportunity to compete for work so contemplated to be done.

It is my understanding that, in the present instance, there was no advertisement for bids, nor other general publicity given to the fact that bids would be received and the contract let, subject to approval by the Council. It is probable therefore, that the desirable results which accrue from stimulated competition were not had in this case, and it cannot be said that the contract in question is the most advantageous that can be made while I have been unable to find any charter provision or ordinance, requiring public advertisement for bids on construction work, yet such is the policy of the City.

government, is evidenced by the fact that we have an ordinance making this requirement in the letting of contracts for public printing, and, the further fact that, in the letting of contracts for supplies for the City Hospital, the Street and Sanitary departments, blacksmithing and horseshoeing, public advertisement is made for bids. The reasons for such competition and publicity are even more potent, in instances such as the present one where so large an amount of the public funds is to be expended. I am not unmindful of the efficient and conscientious work done by the City Hall Committee, and the civic pride and patriotic impulse by which its members were actuated in effecting the arrangements in question, and while I am in hearty accord with them in their desire to secure for the City a new hall commensurate with its size and beauty, yet, for the reasons herein stated I feel constrained by a conscientious sense of public duty to veto this ordinance.

W. D. Shelley
Mayor.

Alderman Crooker moved that when the Council adjournes this evening it be until 8 o'clock Monday Sept 25th 1905, and that the Veto Message of the Mayor, just read be laid over until that time, which motion prevailed.

The following Veto message of the Mayor was then read.

Austin, Tex., September 15th 1905

To the Honorable City Council:

I return herewith, without my approval, an ordinance entitled "An ordinance appropriating five hundred and seventy-five dollars for the purpose of paying Capt A. O. Watson for preparing plans and specifications and for supervising construction of City Hall", for the reason that similar action has been taken on an ordinance entitled "an ordinance appropriating \$12,000.00 for the purpose of partially building a City Hall".

Inasmuch as the amount appropriated by this ordinance covers the services of the Architect in supervising the construction of the proposed building, as well as the preparation of plans and specifications, and as Mr Watson may not be called upon, under the circumstances, to perform such service, I think it proper to withhold my approval from this ordinance.

It may be that the Council may deem it proper, in any event, to suitable compensate Mr Watson for his services already rendered, which, in my opinion, would be just to all parties involved.

W. D. Shelley
Mayor.

Mayors Veto
and to pay Architect
New City Hall

On motion action on this message was postponed until Monday Sept 25th 1905.

\$350 to pay expenses
Cm. Bogus bonds The Mayor laid before the Council an ordinance

appropriating the sum of \$350. for the purpose of paying expenses of a Committee to investigate the issuance of the fraudulent bonds of the City.

The ordinance was read the third time and on motion of Alderman Moore was laid upon the Table

New business

Street car Cos to have gongs and sound them By Alderman Miller An ordinance requiring street car companies to sound Gong at certain places mentioned in said ordinance. The ordinance was read the first time and passed under suspension of the rules by the following Vote

Yea Aldermen Armstrong Crooker Cuneo Haynes
McKen Miller Moore Petri Powell Smith Von Rosenberg
Wilhelm 12

Nays none.

By Alderman Moore An ordinance appropriating the sum of \$153.⁰⁰ to complete the paving on Congress Avenue. The ordinance was read the first time and passed under suspension of the rules by the following Vote

Yea Aldermen Armstrong Crooker Cuneo Haynes McKen
Miller Moore Petri Powell Redd Smith Von Rosenberg
Wilhelm 12

Nays none.

By Alderman Smith An ordinance appropriating the sum of \$250.⁰⁰ for the purpose employing extra street labor and teams. The ordinance was read the first time and passed under suspension of the rules by the following Vote

Yea Aldermen Armstrong Crooker Cuneo Haynes McKen
Miller Moore Petri Powell Smith Von Rosenberg
and Wilhelm 12

Nays none

By Alderman Haynes An ordinance appropriating the sum of \$2219.⁴² for the purpose of paying approved accounts. The ordinance was read the first and passed under suspension of the rules by the following Vote

Yea Aldermen Armstrong Crooker Cuneo Haynes McKen
Miller Moore Petri Powell Smith Von Rosenberg Wilhelm 12
Nays none.

By Alderman Haynes An ordinance appropriating the sum of \$229.¹⁰ for the purpose of paying approved accounts Street Dept. The ordinance was read the first time and passed under suspension of the rules by the following Vote

Yea Aldermen Armstrong Crooker Cuneo Haynes McKen
Miller Moore Petri Powell Smith Von Rosenberg Wilhelm 12
Nays none

App'd a/c St. Selsby

Contract paving
West

Alderman Haynes offered the following resolution which was read and adopted.

Be it resolved by the City Council of the City of Austin that the Mayor and Chairman of Street Paving Committee and they are hereby authorized to enter into a Contract with Fostrown for the paving of East 6th Street from Congress Avenue to Red River in accordance with paving contract of Congress Ave.

Marshall to purchase chains

On motion of Alderman Moore the City Marshal was directed to purchase one dozen chains for use in City Hall. By Alderman Miller an ordinance fixing the salary of Governor of Military Dept. The ordinance was read the first time and on motion the rule was suspended and the ordinance placed on its second reading by the following Vote - Years Aldermen Armstrong Crooker Cuneo Haynes Macken Miller Moore Petri Powell Smith Von Rosenberg & Wilhelm 12 Nays None

The ordinance was read the second time and on motion the rule was suspended and the ordinance placed on its third reading by the following Vote -

Years Aldermen Armstrong Crooker Cuneo Haynes Macken Miller Moore Petri Powell Smith Von Rosenberg & Wilhelm 12 Nays None

Extra services
Prized

The ordinance was read the third time, Alderman Macken offered the following as a substitute for said ordinance, viz "An ordinance appropriating the sum of \$40.00 for the purpose of paying G.J. Proce for extra services during the months of Sept., Oct., Nov and Dec 1905." The substitute was read and adopted by the following Vote - Years Aldermen Armstrong Crooker Cuneo Haynes Macken Miller Moore Petri Powell Smith Von Rosenberg & Wilhelm 12 Nays None.

The ordinance was read the third time and passed by the following Vote -

Years Aldermen Armstrong Crooker Cuneo Haynes Macken Miller Moore Petri Powell Smith Von Rosenberg & Wilhelm 12 Nays None.

On motion the Council adjourned until 8th o'clock
on Sept 25th 1905

J.C.O. Johnson
City Clerk

Adjourned regular meeting of the City Council
Austin, Texas, Sept 25th 1905

Hon W. Shelley Mayor, presiding.
Roll called.

Present Aldermen Armstrong, Crook, Gaines, Haynes, Macken,
Miller, Moore, Petri, Powell, Redd, Turnate, Finch
Von Rosenberg & Wilhelm

Absent none.

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Petitions

Standard Guarantee
Trust Co.
Fees.

Petitions, memorials etc

By the Mayor. Proposition of the Standard Guarantee
Trust Co. to settle taxes providing the Council would
omit interest and penalties, together with letter from
Mess James Yerren attorney for the City, recommending
acceptance of the proposition.

Alderman Moore moved that the proposition be
accepted which motion prevailed.

By Alderman Moore, petition of J E Rosengren for
permission to erect a Cobain building within the fire
limits. Read and on motion the petition granted.

By Alderman Moore - Petition of citizens asking that
each 5th street sidewalks be placed on proper grade
Read and on motion referred to street Committee

Reports of City officers

The chair laid before the Council a report from the City Engineer
regarding the condition of the Steam Rail, which was read
and on motion referred to the Street Committee and City
Engineer, with instructions to confer the Contractor who
had charge of repairs report to the Council.

Reports of Standing Committees

Alderman Haynes for the Finance Committee to whom was
referred the reports of the assessor & collector & the City Clerk
for the months of July & August 1905, and those of the City
Treasurer for the months of June, July & August 1905,
presented a report stating that they had been examined,
checked & found correct. On motion the report was adopted.

Alderman Cline for the ordinance Committee to
whom was referred an ordinance to prevent cruelty
to animals etc, presented a report and submitting a
substitute and recommending the passage of the substitute.

On motion the report was laid over to come up with the
ordinance under the head of unfinished business.

Alderman Petri for the Claims and accounts Committee
to whom was referred the petition of Brothman asking
correction of assessment for taxes, presented a report
recommending that the petition be rejected and
giving reasons why it should not be granted. Report adopted.

Alderman Moore for the Charity Committee to whom
was referred petition asking that the distribution of charity

Ordinance:
Cruelty to Animals

C & A petition
Just money rates

Army - Salvation
Army organization

he turned over to the Salvation Army, presented a report recommending that the petition be not granted.
On motion the report was adopted.

Unfinished business

The Chair laid before the Council the Veto Message of the Mayor. Vetoing the ordinance appropriating the sum of \$12,000 for partially erecting a new City Hall.
The message was read.

Alderman Crooker moved to reconsider the vote by which the ordinance was passed, which motion prevailed.
Alderman Crooker moved that the ordinance do now pass notwithstanding the Mayor's objections.

Alderman Shumate moved that before taking the vote on the motion of Alderman Crooker, the following communication be read, and that it be spread upon the minutes, which motion prevailed.

We hereby vote to sustain the Mayor's veto and in doing so wish to give our reasons in writing and have the same spread on the minutes of the Council.
We do not vote to sustain this veto because we believe any of the reasons given by the Mayor for his veto are sound, but disagree with every single reason that has been stated by him and put ourselves on record as doing so, but matters of grave importance to the City have been called to our attention since the passage of this ordinance, that we think, after a thorough discussion and deliberation call for the postponement for a few months only at the outside of the erection of the City Hall, and these matters, that we do not deem wise to make public at present, will be called to the attention of the public in good season, and we desire expressly to state that, in sustaining the veto, it is only a postponement, for we expect to build the City Hall and clear it soon.

J. H. Shumate

Henry Petri

L. C. Crooker

W. L. Miller

C. J. Armstrong

E. E. Cuneo

H. L. Kayser

G. W. Moore

Pete S. Smith

G. H. Powell

S. Von Rosenberg

H. C. Redd

E. Stichter

The vote was then taken on the motion of Alderman Crooker to pass the ordinance notwithstanding the Mayor's

objections with the following result
Yea's none

Nays Alderman Armstrong Crookan James Haynes Macken
Miller Moore Petri Powell Redd Shumate Smith Von Rosenberg
Wilhelm 14

Mayors Veto
Pay of Architect

The Chair laid before the Council the Special Message of the Mayor Vetoing the ordinance appropriating the sum of \$575⁰⁰ for the purpose of having Alderson for plans, specifications and supervision of erection of new City Hall.

The message was read. Alderman Crookan moved to reconsider the Vote by which the ordinance was passed which motion prevailed.

Alderman Crookan moved that the ordinance do now pass, notwithstanding the Mayors objections, which motion was lost by the following Vote

Yea's none

Nays Alderman Armstrong Crookan James Haynes Macken
Miller Moore Petri Powell Redd Shumate Smith Von Rosenberg
Wilhelm 14

The Chair laid before the Council an ordinance to prevent cruelty to animals etc, together with the report of the ordinance Committee thereon and the substitute offered by said Committee. The ordinance was read the second time. Alderman Shumate moved to adopt the substitute prepared by the Committee which motion prevailed. The ordinance was then passed under suspension of the rule by the following Vote

Yea's Aldermen Armstrong Crookan James Haynes Macken
Miller Moore Petri Powell Redd Shumate Smith Von Rosenberg
Wilhelm 14

Nays none.

Alderman Smith offered the following resolution which was read and adopted

Be it resolved by the City Council of the City of Austin:
That the Gulf Refining Company of Port Arthur, Texas, is hereby granted permission to build and erect, on what is known as the North one-half of North East one-fourth of outlot No 2, Division "O" City of Austin, Texas, the same being situated south of Block No 4 outlot No 2 Division "A" and between Medina and Waller Streets, and north of lots Nos 34 to 44, outlot 2 Division "O" of said City, one or more steel tanks for the storage of oil and oil products, to be built on brick on rock foundation; also a warehouse about 40 ft square, of galvanized iron, sides and roof, used for storage of oil and oil products. The quantity of oil or oil products to be stored or warehoused is not permitted to be over two hundred and fifty 250 gallons.

Cruelty to Animals
ordinance

Gulf Refining
Oil Co. to erect
Building & Tanks

Alderman Moore offered the following resolution which was read and adopted

Plans of a City Hall received by the City Council of the City of Austin and for new City Hall the plans and specifications as prepared by A. S. Thresher, Architect, for the New City Hall of the City of Austin be and the same are hereby adopted by the City Council of the City of Austin, as the plans and specifications for the New City Hall to be erected effective when the Council is prepared to take up same.

Be it further resolved by the City Council of the City of Austin that no liability for said plans, on the part of the City shall be incurred until Contract is let and building completed.

Telegraph & Telephone poles. regulation of

By Alderman Cunes an ordinance regulating the placing of Telegraph, Telephone and electric light poles in the City of Austin, providing for the removing of same when not placed or not in accordance with the provisions of this ordinance, and providing a penalty for the violation thereof. The ordinance was read the first time and on motion was referred to the Street Committee and City Attorney.

By Alderman Finch an ordinance appropriating the sum of \$20.00 for the purpose paying L D Peyton for guarding prisoners for the month of Sept 1905.

The ordinance was read the first time and passed under suspension of the rules by the following vote

Yea Aldermen Armstrong Crooker Cunes Haynes Macken Miller Moore Petri Powell Reed Shumate Finch

Von Rosenberg & Wilhelm

14

Nays None.

Alderman Haynes moved that the Council reconsider the vote by which the Council granted the petition of lost Pats asking Correction of Assessment, which motion prevailed. On motion of Alderman Haynes the petition was referred to the Claims & Accounts Committee.

J. B. Shuster resigned the chain laid before the Council the resignation of J. B. Shuster as dog catcher, to take effect Sept 26th 1905.

On motion the same was accepted.

On motion the Council adjourned.

• Isaac Johnson
City Clerk

lost Pats, dog's
resolution granted
reconsidered

J. B. Shuster resigned
Dog Catcher